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- **The Effects of a Choice Auto Insurance Plan on Insurance Costs and Compensation**, Allan Abrahamse, Ph.D., and Stephen Carroll, Ph.D. We estimate the effects of offering the drivers in each state a choice between their state's current insurance system and an absolute no-fault plan in which motorists neither recover nor are liable for noneconomic loss for any auto accident injury. If insurance premiums are proportional to compensation costs, drivers in the tort states who choose absolute no-fault should save about 60 percent on their premiums for personal injury coverage. Drivers in the current no-fault states who elect absolute no-fault should save roughly 33 to 50 percent on their personal injury costs. Drivers who choose to stay in their state's current insurance plan will generally realize some savings.

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- **Automating the Risk Assessment Process**, Mark Jablonowski, CPCU. Good risk management plans begin with an analysis of exposures to accidental loss. Exposure analysis includes an assessment of accident likelihood and consequences. When statistical data is scarce, we rely on expert judgment for these estimates. This article outlines a method of automating exposure analysis and risk assessment using a modern advance in computer science known as the "neural network." By emulating the actions of neurons in the human brain, computerized neural networks provide us with a simple and effective way to capture the thought process of risk assessment experts.

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- **Research on the Internet: Tips and Techniques for Insurance Professionals**, contributing members of the CPCU Society's Orange Empire Chapter. The Internet now represents the largest single source of information in our society. It is estimated that more than 60 million pages of information are available on the Internet. Sorting through this much information can be time-consuming and nonproductive unless you know some research tricks for the Internet. This article unlocks the mysteries of the Internet by explaining the Internet and providing insurance professionals with techniques for conducting efficient and effective searches on the Internet and the World Wide Web.

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- **Spinning a Web for Your Chapter**, contributing members of the CPCU Society's Iowa Chapter. A CPCU Society chapter presence on the World Wide Web seems the mid-1990s thing to do. This article sums up, in a relatively nontechnical manner, a research committee's process of preparing to develop a chapter Web site. The authors explain Internet terminology and analyze the need for a Web site. They describe how to register the site, select an Internet service provider, and choose Web site creation software.

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- **The Board of Ethical Inquiry's Advisory Opinion on the Use of the CPCU Designation and Key in Web Pages, Internet Addresses, and Telephone Numbers**, Eric A. Wiening, CPCU. Opinion.

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- **Business Income Coverage and Ordinance or Law Coverage: Universal Exposures Need Universal Coverage**, Barry D. Smith, Ph.D., CPCU, CLU, FLMI. Editorial. Winter, p. 195

### INTERNATIONAL INSURANCE

- **China—Opportunities and Obstacles for the Insurance Industry in an Emerging Country**, contributing members of the CPCU Society's Charlotte Chapter. The political and economic changes occurring within China over the past five to 10 years, from the emergence of Jiang Zemin as president of the People's Republic of China to the conclusion of the 99-year lease of Hong Kong, offer excitement and hope for the people of China. It also offers U.S. insurance executives, their employees, and their shareholders an opportunity to capitalize on the growing Chinese insurance market by providing products, services, and capital. Expansion of the global marketplace will add to their profitability at a time of declining premiums and rising costs. The events leading to a full and open insurance market in China will be slow by U.S. standards. The opportunities and rewards, however, should exceed the patience required as obstacles are identified and opportunities are pursued. These obstacles and opportunities for brokers and insurance companies are presented against the backdrop of the evolving Chinese laws and administrative orders that will affect us all as China opens to the world in the 21st century. Spring, p. 10

### LEGAL ISSUES

- **Coverage Disputes in Construction Defect Cases**, William J. Warfel, Ph.D., CPCU, CLU. In California, the availability (or lack thereof) and the price of contractors liability insurance for homebuilders have been the subject of much discussion. This price/availability problem can be attributed, at least in part, to coverage disputes in construction defect cases. In this article, these coverage disputes are identified. The author discusses how the courts historically have resolved these coverage disputes, and the applicability of the *Montrose* decision to these coverage disputes. Insurance price/availability implications are discussed. Winter, p. 238

- **Limiting Risk for Indoor Pollution**, Mark Diamond. The air inside commercial and residential buildings usually contains far more pollutants than outdoor air. Government is looking to step into the arena of indoor environmental quality. Public attention to indoor environments along with the number of lawsuits brought for indoor pollution (IP) are growing. The following article will explain what indoor pollution is, how your clients can be sued for IP, and what they can do to avoid litigation. Fall, p. 182

- **The Good, the Bad, and Proportionality**, Iskandar S. Hamwi, Ph.D., and Durwood Ruegger, J.D. There is no universal law to guide the insurer when the insured fails to properly disclose all material facts relative to the risk. For instance, in the United States, misrepresentation in a policy application of a material fact gives the insurer the right to void the policy and to deny any claim under it. In France, however, courts, instead of voiding the policy for lack of disclosure, use the proportionality rule to adjust the settlement amount. This article discusses the pros and cons of the proportionality rule. Fall, p. 187

- **The Principle of Reasonable Expectations: Balancing the Scales of Justice?**, Andrew Lindblad, CPCU. For many years courts have interpreted insurance policies in favor of the policyholder. The emphasis then gradually shifted to determining what the contracting parties expected thereby avoiding such favoritism. Has the pendulum swung too far the other way? Should another consideration be introduced to provide a true balance? Summer, p. 120

### LIABILITY INSURANCE

- **Coverage Disputes in Toxic Tort Liability Cases**, William J. Warfel, Ph.D., CPCU, CLU, and Alex Hamwi, Ph.D. A new wave of toxic tort litigation appears to be emerging and likely will trigger numerous insurance coverage disputes in the future. In this article, those disputes likely to emerge are identified. Case law that courts likely will rely upon to resolve these coverage issues is summarized and discussed in terms of its potential applicability to the new toxic tort cases. A case is made that application of the rules of strict construction against the insurer in the resolution of these issues would be shortsighted and unfair to insurers and their policyholders. Spring, p. 40

- **Employment Practices Liability Insurance—From Luxury to Necessity?**, contributing members of the Oregon Chapter, CPCU Society. Employment practices liability insurance (EPLI) has grown in availability and capacity over the last few years almost as rapidly as the number of employment practices liability (EPL) claims against employers and the average settlement size of those claims. Yet employers perceiving greater uncertainty over the exposure appear to be reluctant to purchase these new insurance products. This article addresses this paradox by identifying trends in EPL claims, insurance availability for those claims, and the nature of the demand for the coverage in order to evaluate the direction of employment practices liability insurance in the Pacific Northwest. The article includes the results of EPL attorney, insurer, and agent/broker surveys, coverage issue considerations in evaluating EPLI policies, and a discussion of risk management techniques for the EPL exposure. Fall, p. 170

- **Is Employment Policy Liability Insurance Against Public Policy?**, Steven R. Goldstein, J.D., and Amy R. Stein, J.D. Opinion. Employment practices liability insurance (EPLI) is the hottest product in insurance today, but it raises many issues for risk managers, insurers, attorneys, and policyholders. How will EPLI impact corporate America, the courts, and, equally important, the social fabric of the workplace? This article examines key factors to consider in purchasing EPLI and potential coverage issues and attempts to shed some light on how the courts may treat this type of insurance and the litigation that may result. Fall, p. 138

- **Public Officials Liability—An Overview**, Richard G. Rudolph, Ph.D., CPCU. Many small public entities do not have resources available to guide them in managing their risks. Also, many agents and brokers serving the small public entities are unfamiliar with the unusual risks faced by these special clients. This article introduces the basic vocabulary of public risk management and explains how public entities' exposures differ from those of private sector entities. Guidelines for establishing sound procedures for public office actions, fair employment, and documentation are given. A brief summary of risk financing options concludes the article. Fall, p. 164

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- **Understanding Insurance Agency Customer Defections**, *Thomas C. Spencer, CPCU, CLU*. Independent insurance agencies lose customers every year, but there is little effort to understand why. This article explores the importance of understanding customer defections and suggests a strategy for learning from those losses.

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### PERSONNEL

- **Diversity Trends in the Insurance Industry**, *Barry D. Smith, Ph.D., CPCU, CLU, FLMI*, and *Judy Elmore Maese, Ph.D.* This article examines diversity trends in the insurance industry by comparing minority employment in the insurance industry with other industries during the period 1983 to 1996. Utilizing data from the Bureau of Labor Statistics, the study compares African-American and Hispanic employment rates in the insurance industry with those in banking, real estate, and all industries as a whole.

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### REGULATION

- **The Time Is Right for Mutual Insurance Holding Companies**, *Barry D. Smith, Ph.D., CPCU, CLU, FLMI*. Editorial.

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### REINSURANCE FOCUS ISSUE

- **Merger Mania—Reinsurance Repercussions**, *Paul Walther, CPCU*. Describes and analyzes the effects of merger within the industry.

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- **Specialty Markets Confront New Liability Issues**, *Mindy Pollack*. Brings legal awareness of surety and related lines, which have traditionally escaped ECO and EPL liabilities.

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- **Surviving Y2K: A Practical Primer for Reinsurers**, *Emily Canelo*. Offers an analysis of Y2K effects on reinsurers.

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- **The Impact of Catastrophic Perils over the Decades**, *Cathy A. Hauck, CPCU*. Presents a historical trace of important property catastrophe events and then suggests deeper meanings to these occurrences.

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### RISK ASSESSMENT

- **Automating the Risk Assessment Process**, *Mark Jablonowski, CPCU*. Good risk management plans begin with an analysis of exposures to accidental loss. Exposure analysis includes an assessment of accident likelihood and consequences. When statistical data is scarce, we rely on expert judgment for these estimates. This article outlines a method of automating exposure analysis and risk assessment using a modern advance in computer science known as the "neural network." By emulating the actions of neurons in the human brain, computerized neural networks provide us with a simple and effective way to capture the thought process of risk assessment experts.

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### UNDERWRITING

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### WORKERS COMPENSATION

- **Exceptions to Workers Compensation as Exclusive Remedy: Success of Third Party Over, Dual Capacity, Loss of Consortium, and Consequential Bodily Injury Actions**, *John C. Bratton, Ph.D., CPCU, CIC*, and *Stephen M. Avila, Ph.D., CPCU*. Despite workers compensation's exclusive remedy intentions, there are certain situations where employees may collect workers compensation benefits and still bring suit against their employers. These causes of action, which are specifically mentioned in the employers' liability section of the workers compensation policy, include: third party over-suits, dual capacity suits, loss of consortium suits, and suits for consequential bodily injury to certain relatives of injured employees. The extent to which the law has allowed exceptions to exclusive remedy varies considerably from state to state. The purpose of this research is an attempt to identify the jurisdictions that appear to allow (or forbid) these exceptions to workers compensation's exclusive remedy concept.

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